IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 749 of 2007(L)

PETITIONER:

N. MOHAN DAS,
SREE NARAYANA MANGALAM, PADINJARE NADA,
AMBALAPPUZH.

BY ADV. SRI.K.K.BABU

RESPONDENTS:
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1. THE WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,ALAPPUZHA.

2. THE DISTRICT COLLECTOR, ALAPPUZHA.

3. THE TAHSILDAR,
REVENUE RECOVERY UNIT, AMBALAPPUZHA TALUK.

4. THE VILLAGE OFFICER,
KARUMADY VILLAGE, AMBALAPPUZHA TALUK.

R1, R3 BY ADV.SRI.K.HARILAL, S.C.
R2, R4 BY GOVT. PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007, ALONG WITH W.P(C).6094 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).Nos.749 & 6094 OF 2007

Dated this the 23rd day of February, 2007

JUDGMENT

It is not disputed that these writ petitions were preceded by at least 8 or 9 writ petitions, which are mentioned in the statement filed on behalf of the first respondent, Welfare Fund Inspector under the Toddy Workers Welfare Fund Act. It is also not disputed that amounts are due. The stand taken by the petitioner is that there are 33 persons who involved and proceeded against for recovery and that there is no proper statement of accounts issued by the Welfare Fund Inspector. The petitioner has no complaint about the total amounts that is due to the fund. If there is any amount which has been paid by any other person who would be liable along with the petitioner, it is for the petitioner to point out to the Welfare Fund Inspector regarding such remittances, who will give credit to such payments. This need not deter the impugned sale proceedings which are now to recover nearly one crore rupees. Therefore,

while allowing the authorities to proceed with recovery action by conducting the impugned sale, if the petitioner or any other person involved in the proceedings furnishes appropriate evidence to show that they have made any payments, that will be given due credit while the said accounts are finally settled in view of the recovery.

The writ petition is disposed of with the above directions.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.